

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appellants : Thomas McBLAIN et al. Confirmation No. : 5631
Appl. No. : 10/084,330 Examiner: G. Gauthier
Filed : February 28, 2002 Group Art Unit: 2614
For : OUTBOUND CALL RULES ROUTING

APPEAL BRIEF UNDER 37 C.F.R. §41.37

Commissioner for Patents
U.S. Patent and Trademark Office
Customer Service Window, Mail Stop Appeal Brief - Patents
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir:

This appeal is from the rejection of claims 24-46, as set forth in the Final Office Action of May 4, 2007, and as maintained in the Advisory Action dated July 11, 2007.

A Notice of Appeal was filed on August 2, 2007 in response to the Final Office Action of May 4, 2007, and the (two-month) period for filing an Appeal Brief, having been set to expire on October 2, 2007, has been extended by the Request for a (one-month) Extension of Time filed concurrently herewith to expire on November 2, 2007. The requisite fee for filing an Appeal Brief under 37 C.F.R. §41.20(b)(2) is submitted herewith.

However, if for any reason the necessary fee is not associated with this file or the attached fee is inadequate, the Commissioner is authorized to charge the fee for the Appeal Brief and any necessary extension of time fees to Deposit Account No. 19-0089.

(1) **REAL PARTY IN INTEREST**

The real party in interest is AT&T Knowledge Ventures, L.P., as established by a Change of Name recorded in the U.S. Patent and Trademark Office on October 25, 2007, at Reel 020032 and Frame 0143.

(2) **RELATED APPEALS AND INTERFERENCES**

No related appeals and/or interferences are pending.

(3) **STATUS OF THE CLAIMS**

Claims 24-46, all of the claims pending in this application, stand finally rejected and are the subject of this appeal. Appellants appeal the final rejection of claims 24-46. A copy of claims 24-46 is attached as an Appendix to this brief.

(4) **STATUS OF THE AMENDMENTS**

No amendments to the claims were filed under 37 C.F.R. § 1.116 after the final rejection of the claims of May 4, 2007.

(5) **SUMMARY OF THE CLAIMED SUBJECT MATTER**

Initially, Appellants note that the following descriptions are made with respect to the independent claim and include references to particular parts of the specification. As such, the following are merely exemplary and are not a surrender of other aspects of the present invention that are also enabled by the present specification as well as those that are directed to equivalent

structures or methods.

Independent claim 24 recites a call processor for controlling an outbound call using outbound call rule information, the call processor comprising: a memory that stores the outbound call rule information, the outbound call rule information being configurable by a user and comprising at least one rule relating to processing the outbound call; and a sender that sends at least one call processor message based on action information in response to a switch message when condition information is satisfied, the switch message being received from a switch in response to the outbound call being placed to a dialed number and received at the switch, and the call processor message being sent to the switch for controlling the outbound call received at the switch; wherein each rule is comprised of at least a portion of the action information and a portion of the condition information.

In this regard, exemplary embodiments of the present specification are shown in FIGS. 1 to 4, and disclosed at page 9, paragraph [0021] to page 24, paragraph [0066]. The exemplary embodiments disclose a call processor (103) for controlling an outbound call using outbound call rule information, the call processor comprising: a memory that stores (page 12, paragraph [0030]) the outbound call rule information, the outbound call rule information being configurable (Figure 3) by a user and comprising (S208, S211) at least one rule relating (page 16, paragraph [0042]) to processing the outbound call; and a sender that sends (S402) at least one call processor message based (S208, S211) on action information (304-307) in response to a switch message (S401) when condition information (300-303) is satisfied, the switch message (S401) being received from a switch (101) in response to the outbound call being placed (S400) to a dialed number and received at the switch (101), and the call processor message being sent (S402) to the

switch (101) for controlling the outbound call received (S400) at the switch (101); wherein each rule is comprised of at least a portion of the action information and a portion of the condition information (pages 19-20, paragraph [0054]).

Independent claim 35 recites a method for controlling an outbound call using outbound call rule information, comprising: storing the outbound call rule information, the outbound call rule information being configurable by a user and comprising at least one rule relating to processing the outbound call; sending at least one call processor message based on action information in response to a switch message when condition information is satisfied, the switch message being received from a switch in response to the outbound call being placed to a dialed number and received at the switch, and the call processor message being sent for controlling the outbound call received at the switch; wherein each rule is comprised of at least a portion of the action information and a portion of the condition information.

In this regard, exemplary embodiments of the present specification are shown in FIGS. 1 to 4, and disclosed at page 9, paragraph [0021] to page 24, paragraph [0066]. The exemplary embodiments disclose a method for controlling an outbound call using outbound call rule information, comprising: storing (page 12, paragraph [0030]) the outbound call rule information, the outbound call rule information being configurable (Figure 3) by a user and comprising (S208, S211) at least one rule relating (page 16, paragraph [0042]) to processing the outbound call; sending (S402) at least one call processor message based (S208, S211) on action information (304-307) in response to a switch message (S401) when condition information (300-303) is satisfied, the switch message (S401) being received from a switch (101) in response to the outbound call being placed (S400) to a dialed number and received at the switch (101), and the

call processor message being sent (S402) for controlling the outbound call received (S400) at the switch (101); wherein each rule is comprised of at least a portion of the action information and a portion of the condition information (pages 19-20, paragraph [0054]).

(6) GROUND OF REJECTION TO BE REVIEWED ON APPEAL

(A) The Rejection of Claims 24-46 under 35 U.S.C. §102(e) as being anticipated by FARRIS (U.S. Patent No. 6,371,908).

(7) ARGUMENT

The Decision to Reject Claims 24-46 under 35 U.S.C. §102(e) over FARRIS is Improper, and the Decision to Reject Claims 24-46 on this Ground Should be Reversed.

In the outstanding Final Office Action, claims 24-46 were rejected under 35 U.S.C. §102(e) over FARRIS et al. (U.S. Patent No. 6,404,859).

(1) Claim 24

The Final Office Action cite FARRIS as disclosing the features of independent claim 24 at Figure 2 and at column 1, lines 17-23; column 14, lines 3-19; column 15, line 57 to column 16, line 49; and column 47, lines 21-28. The Final Office Action is incorrect for at least the reasons set forth below.

The following characteristic features are present in the combination recited in claim 24:

- storing outbound call rule information
- providing a user with the ability to configure the outbound call rule information
- the outbound call rule information including a rule relating to processing an outbound call

- the rule including a portion of action information and a portion of condition information
- an outbound call being placed to a dialed number and received at a switch
- receiving a switch message from the switch in response to the outbound call
- sending a call processor message based on action information when condition information is satisfied
- the call processor message being sent to the switch for controlling the outbound call

FARRIS does not disclose, either expressly or inherently, the combination of characteristic features present in claim 24 as set forth above. Rather, as described at column 1, lines 3-17 and throughout, FARRIS is directed to personalized telecommunications services, including personalized call waiting and personalized caller identification, using an intelligent telephone network. Personalized call waiting and personalized caller identification are each services provided for inbound calls, and are distinguishable from services provided for outbound calls.

Figure 2 merely shows features of a switch in an intelligent telephone network. As described at column 16, lines 4-29 of FARRIS, queries from a switch to a service control point 19 are generated based on three types of triggers: 1.) an off-hook trigger; 2.) a dialed number trigger such as a 3/6/10 trigger, and 3.) a terminating attempt trigger (TAT).

As set forth in the cited portions of FARRIS at column 16, lines 30-49, an off-hook trigger is a trigger that generates a query from a switch to a service control point before a dial-tone is even provided. Therefore, such a query to a service control point is not sent in response to an outbound call being placed to a dialed number and received at the switch; nor does such a query for caller identification information result in a call processor message being sent to the switch for controlling an outbound call received at the switch.

As set forth in the cited portions of FARRIS at column 16, lines 17-29, a terminating attempt trigger (TAT) is a trigger that generates a query from a switch to a service control point for an inbound call to a called party. Therefore, such a query to a service control point is not sent in response to an outbound call being placed to a dialed number and received at the switch; nor does such a query result in a call processor message being sent to the switch for controlling an outbound call received at the switch.

Accordingly, the features relating to an off-hook and a terminating attempt trigger in FARRIS do not disclose, either expressly or inherently, the combination recited in claim 24.

Further, as set forth in the portions of FARRIS at column 42, line 60 to column 43, line 19, a dialed number trigger such as a 3/6/10 trigger is a trigger that generates a query from a switch to a service control point to result in the call being routed to an intelligent peripheral. As described at column 47, lines 21-28, following caller identification/verification, the caller can interact with the intelligent peripheral to configure the personalized telecommunications services. Therefore, such a query to a service control point does not result in invocation of an outbound call rule that is configurable by a user. Rather, the rule invoked by a 3/6/10 trigger in FARRIS is a set rule associated with accessing and configuring the personalized telecommunications services, and not a rule that can be configured by a user.

In any case, the interpretation of the cited portions of FARRIS in the Final Office Action and Advisory Action is incorrect. For example, the personalized call waiting and personalized caller identification disclosed at column 14, lines 3-19 are each services provided for inbound calls, and are distinguishable from services provided for outbound calls. Further, providing the personalized call waiting and personalized caller identification services does not involve sending a call processor

message to a switch for controlling an outbound call received at the switch.

Additionally, the cited portions of FARRIS at column 15, line 57 to column 16, line 3 are related to conventional telephony features of a switch detecting an off-hook condition on a line, providing dial tone, receiving dialed digits and routing a call based on the dialed digits (i.e., without necessarily involving a service control point or other features of an intelligent telephone network). Therefore, this particular portion of FARRIS is wholly unrelated to the call processor message or the switch message and related features recited in claim 24.

Further, the cited portions of FARRIS at column 16, lines 4-49 are related to interoperation between an intelligent network service switching point 11 and service control point 19 or line information database 21. However, none of the triggers are related to the complete combination of characteristics present in claim 24 for reasons described above.

Finally, at column 47, lines 21-28, FARRIS discloses that a subscriber can interact with an intelligent peripheral 23 to update, cancel or reestablish service. However, the user is not and would not be allowed to configure an outbound call rule resulting in the call being routed to the intelligent peripheral to contact the personalized telecommunications service.

As described above, the cited teachings of FARRIS do not disclose the combination of features characteristic of the call processor recited in independent claim 24. That is, FARRIS does not disclose "each and every" feature recited in claim 24, as would be required for FARRIS to be properly applied in a rejection of claim 24 under 35 U.S.C. §102. Accordingly, FARRIS does not anticipate, either expressly or inherently the combination of features of the call processor recited in claim 24.

(2) Claim 35

The Final Office Action cite FARRIS as disclosing the features of independent claim 35 at column 1, lines 17-23; column 14, lines 3-19; column 15, line 57 to column 16, line 49; and column 47, lines 21-28. The Final Office Action is incorrect for at least the reasons set forth below.

The following characteristic features are present in the combination recited in claim 35:

- storing outbound call rule information
- providing a user with the ability to configure the outbound call rule information
- the outbound call rule information including a rule relating to processing an outbound call
- the rule including a portion of action information and a portion of condition information
- an outbound call being placed to a dialed number and received at a switch
- receiving a switch message from the switch in response to the outbound call
- sending a call processor message based on action information when condition information is satisfied
- the call processor message being sent to the switch for controlling the outbound call

However, as described above with respect to the features of the call processor recited in claim 24, the cited portions of FARRIS do not disclose the teachings attributed to FARRIS in the Final Office Action and the Advisory Action, and FARRIS does not disclose, either expressly or inherently, the combination of characteristic features present in claim 35 as set forth above. For example, features relating to an off-hook trigger and a terminating attempt trigger (TAT) are not related to the features in claim 35 which relate to a switch message and a call processor message being received/sent in response to an outbound call being placed to a dialed number and received

at a switch. Further, features of the personalized communications service in FARRIS are not related to controlling an outbound call. Finally, any rule relating to a 3/6/10 trigger in FARRIS and resulting in a call being forwarded to an intelligent peripheral for provisioning is not a rule that is configurable by a user.

That is, FARRIS does not disclose “each and every” feature recited in claim 35, as would be required for FARRIS to be properly applied in a rejection of claim 35 under 35 U.S.C. §102. Accordingly, FARRIS does not anticipate, either expressly or inherently the combination of features of the method recited in claim 35.

(3)(a) Claims 25-34

Claims 25-34 are also allowable, at least for the reason that these claims depend from an allowable claim 24, respectively, and because these claims recite additional features that further define the invention recited in claim 24. Further, claims 25-34 are separately patentable over FARRIS which fails to disclose, in Appellants’ claimed combination, inter alia,

- (i) *the call processor of claim 24, wherein the condition information comprises at least one condition related to at least a portion of the dialed number (claim 25);*
- (ii) *the call processor of claim 25, wherein the action information comprises information related to forwarding the outbound call to a number other than the dialed number (claim 26);*
- (iii) *the call processor of claim 25, wherein the action information comprises information related to submitting a personal identification (PIN) number (claim 27);*
- (iv) *the call processor of claim 25, wherein the action information comprises information related to sending a page to a paging device (claim 28);*

(v) *the call processor of claim 25, wherein the action information comprises information related to disallowing the outbound call (claim 29);*

(vi) *the call processor of claim 25, wherein the action information comprises information related to prepending at least one prefix number to a dialed number sequence (claim 30);*

(vii) *the call processor of claim 25, wherein the action information comprises a dial-around code, and wherein the action further comprises routing the outbound call via a carrier associated with the dial-around code (claim 31);*

(viii) *the call processor of claim 25, wherein at least one rule comprises a plurality of actions (claim 32);*

(ix) *the call processor of claim 24, wherein at least one rule comprises a plurality of conditions (claim 33); and*

(x) *the call processor of claim 24, wherein the outbound call rule information comprises a plurality of rules (claim 34).*

(3)(b) Claims 36-46

Claims 36-46 are also allowable, at least for the reason that these claims depend from an allowable claim 35, respectively, and because these claims recite additional features that further define the invention recited in claim 35. Further, claims 36-46 are separately patentable over FARRIS which fails to disclose, in Appellants' claimed combination, inter alia,

(i) *the method of claim 35, wherein the switch initiates an action based on the action information in response to receiving the call processor message (claim 36);*

(ii) *the method of claim 36, further comprising: determining whether at least a portion of*

the dialed number satisfies at least one condition of the outbound call rule information (claim 37);

(iii) the method of claim 37, wherein the switch forwards the outbound call to a number other than the dialed number based on the action information of the outbound call rule information (claim 38);

(iv) the method of claim 37, further comprising: receiving a personal identification number (PIN) based on the action information of the outbound call rule information (claim 39);

(v) the method of claim 37, wherein a page is sent to a paging device based on the action information of the outbound call rule information (claim 40);

(vi) the method of claim 37, wherein the outbound call is disallowed based on the action information of the outbound call rule information (claim 41);

(vii) the method of claim 37, wherein at least one prefix number is prepended to a dialed number sequence based on the action information of the outbound call rule information (claim 42);

(viii) the method of claim 36, wherein the action information further comprises a dial-around code, and wherein the initiating further comprises routing the outbound call via a carrier associated with the dial-around code (claim 43);

(ix) the method of claim 35, wherein the switch initiates a plurality of actions based on the action information of the rule (claim 44);

(x) the method of claim 36, further comprising: determining whether outbound call information in the switch message satisfies a plurality of conditions of the rule (claim 45); and

(xi) the method of claim 36, further comprising: determining whether outbound call

information in the switch message satisfies conditions of a plurality of rules (claim 46).

Claims 26 and 38

With respect to claims 26 and 38, the Final Office Action asserts that FARRIS discloses that action information comprises information related to forwarding the outbound call to a number other than the dialed number. However, the cited portions of FARRIS at column 17, lines 44-50 are directed to a caller being routed to the IP when the caller calls from a line not yet specifically designated for personal dial tone service, so that the personal dial tone service can be associated with the line. These features of FARRIS have nothing to do with forwarding an outbound call to a number other than a dialed number.

Claims 27 and 39

With respect to claims 27 and 39, the Final Office Action asserts that FARRIS discloses that action information comprises information related to submitting a personal identification (PIN) number. However, the cited portions of FARIS at column 11, lines 40-48 are directed to features of caller identification as would be provided to a called party. These features of FARRIS have nothing to do with submitting a personal identification (PIN) number.

Claims 28 and 40

With respect to claims 28 and 40, the cited portions of FARRIS at column 11, lines 40-48 are directed to features of caller identification as would be provided to a called party as noted above, and not to sending a page to a paging device.

Claim 29 and 41

With respect to claims 29 and 41, the cited portions of FARRIS at column 16, lines 30-49 are directed to features of contacting an intelligent peripheral 23 for speaker identification or verification, and not to features of disallowing an outbound call.

Claims 30 and 42

With respect to claims 30 and 42, the cited portions of FARRIS at column 15, lines 30-43 are directed to generic features of the NPA-NXX-XXXX ten digit numbering plan, and not to any features of prepending at least one prefix number to a dialed number sequence.

Claims 31 and 43

With respect to claims 31 and 43, the cited portions of FARRIS at column 15, lines 30-43 are directed to generic features of the NPA-NXX-XXXX ten digit numbering plan as noted above, and not to features of a dial-around code or routing the outbound call via a carrier associated with the dial-around code.

The reasoning set forth above as to the allowability of claims 24-46 is merely exemplary, and is based on Appellants' best understanding of the rejection of claims 24-46 in the Final Office Action. In this regard, the rejection of claims 24-46 is not entirely clear at least insofar as it is unclear how features of any particular embodiment in FARRIS are applied as disclosing the combinations of features recited in the pending claims. As an example, the Final Office Action

and Advisory Action cite teachings related to multiple different triggers in FARRIS as disclosing features of the claims, though the claims would relate only to a trigger being generated based on an outbound call being placed to a dialed number and received at the switch. Nevertheless, Appellants have explained the cited features of FARRIS, and provided numerous reasons as to why FARRIS fails to disclose, either expressly or inherently, the combinations of features in the pending claims.

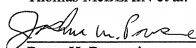
Accordingly, at least for each of the reasons set forth above, the decision to reject claims 24-46 under 35 U.S.C. §102(e) over FARRIS is improper, and reversal of the decision is respectfully requested.

(8) **CONCLUSION**

Each and every pending claim of the present application meets the requirements for patentability under 35 U.S.C. §102(e), and the present application and each pending claim thereof is allowable over the prior art of record.

If there are any questions about this application, any representative of the U.S. Patent and Trademark Office is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,
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CLAIMS APPENDIX

24. A call processor for controlling an outbound call using outbound call rule information, the call processor comprising:

a memory that stores the outbound call rule information, the outbound call rule information being configurable by a user and comprising at least one rule relating to processing the outbound call; and

a sender that sends at least one call processor message based on action information in response to a switch message when condition information is satisfied, the switch message being received from a switch in response to the outbound call being placed to a dialed number and received at the switch, and the call processor message being sent to the switch for controlling the outbound call received at the switch;

wherein each rule is comprised of at least a portion of the action information and a portion of the condition information.

25. The call processor of claim 24,

wherein the condition information comprises at least one condition related to at least a portion of the dialed number.

26. The call processor of claim 25,

wherein the action information comprises information related to forwarding the outbound call to a number other than the dialed number.

27. The call processor of claim 25,

wherein the action information comprises information related to submitting a personal identification (PIN) number.

28. The call processor of claim 25,

wherein the action information comprises information related to sending a page to a paging device.

29. The call processor of claim 25,

wherein the action information comprises information related to disallowing the outbound call.

30. The call processor of claim 25,

wherein the action information comprises information related to prepending at least one prefix number to a dialed number sequence.

31. The call processor of claim 25,

wherein the action information comprises a dial-around code, and

wherein the action further comprises routing the outbound call via a carrier associated with the dial-around code.

32. The call processor of claim 25,

wherein at least one rule comprises a plurality of actions.

33. The call processor of claim 24,

wherein at least one rule comprises a plurality of conditions.

34. The call processor of claim 24,

wherein the outbound call rule information comprises a plurality of rules.

35. A method for controlling an outbound call using outbound call rule information, comprising:

storing the outbound call rule information, the outbound call rule information being configurable by a user and comprising at least one rule relating to processing the outbound call;

sending at least one call processor message based on action information in response to a switch message when condition information is satisfied, the switch message being received from a switch in response to the outbound call being placed to a dialed number and received at the switch, and the call processor message being sent for controlling the outbound call received at the switch;

wherein each rule is comprised of at least a portion of the action information and a portion of the condition information.

36. The method of claim 35,

wherein the switch initiates an action based on the action information in response to

receiving the call processor message.

37. The method of claim 36, further comprising:

determining whether at least a portion of the dialed number satisfies at least one condition of the outbound call rule information.

38. The method of claim 37,

wherein the switch forwards the outbound call to a number other than the dialed number based on the action information of the outbound call rule information.

39. The method of claim 37, further comprising:

receiving a personal identification number (PIN) based on the action information of the outbound call rule information.

40. The method of claim 37,

wherein a page is sent to a paging device based on the action information of the outbound call rule information.

41. The method of claim 37,

wherein the outbound call is disallowed based on the action information of the outbound call rule information.

42. The method of claim 37,

wherein at least one prefix number is prepended to a dialed number sequence based on the action information of the outbound call rule information.

43. The method of claim 36,

wherein the action information further comprises a dial-around code, and
wherein the initiating further comprises routing the outbound call via a carrier associated with the dial-around code.

44. The method of claim 35,

wherein the switch initiates a plurality of actions based on the action information of the rule.

45. The method of claim 36, further comprising:

determining whether outbound call information in the switch message satisfies a plurality of conditions of the rule.

46. The method of claim 36, further comprising:

determining whether outbound call information in the switch message satisfies conditions of a plurality of rules.

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EVIDENCE APPENDIX

None

P21781.A15

RELATED PROCEEDING APPENDIX

None